THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.7429 OF 2006

ORAL ORDER:

The petitioner is the Toddy Tappers Co-operative Society, in whose favour a licence was granted in respect of shop Nos.1 to 4 in Zaheerabad, apart from a depot. The 2nd respondent by order dated 10.3.2006 cancelled the licence of the petitioner-society in respect of shop Nos.1, 2 and 4 under sub-section (2) of Section 31 of the A.P. Excise Act, 1968 on the allegation that the sample of toddy drawn from the shops of the petitioner-society were found to be adulterated. It appears that on similar allegation, the licence of the petitioner-society, in respect of shop No.3, was cancelled by a separate order dated 7.1.2006. Questioning the said order, the petitioner preferred an appeal before the 1st respondent. The said appeal was dismissed by order dated 27.3.2006, which is under challenge in this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

Though various grounds have been raised on merits, the learned counsel for the petitioner primarily contended that before deciding the appeal, the 1st respondent failed to afford any opportunity to the petitioner and the appeal was dismissed confirming the order of cancellation without hearing the petitioner-society. The learned counsel also submits that the action of the 1st respondent is not only in violation of the principles of natural justice, but is also contrary to the mandatory requirement under the statutory rules.

On a perusal of the order passed by the 1st respondent, it is clear that the petitioner-society was not heard before passing the order in the appeal. The said order is also bereft of reasons and the order of cancellation passed by the 2nd respondent was confirmed without assigning any reasons therefor. In the circumstances, the said order is liable to be set aside on the ground alone.

Accordingly, without expressing any opinion as to the correctness of the

allegations made against the petitioner, the order dated 27.3.2006 is set aside and the writ petition is disposed of with a direction to the 1st respondent to consider the appeal afresh and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. No costs.

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(G. ROHINI, J.)

20th June, 2006.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.7429 OF 2006

20th June, 2006.

Between:

Toddy Tappers co-operative Society,

Zaheerabad, at Zaheerabad Mandal,

Medak district, represented by its

President, V. Krishna Mohan Goud. .. Petitioner.

And

The Deputy Commissioner of Prohibition and Excise,

Nizamabada division at Nizamabad and another. .. Respondents